

HOUSE BILL No. 1036

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-13-2-110; IC 9-19-1-5.5; IC 9-21-0.5; IC 9-25-4-7; IC 9-26-2; IC 9-30-3.

Synopsis: Proof of motor vehicle financial responsibility. Makes it a Class C infraction for an operator of a motor vehicle who is: (1) stopped by a law enforcement officer for a moving traffic offense; or (2) involved in an accident investigated by a law enforcement officer that results in death, injury, or property damage of at least \$1,000; to fail to submit to the officer proof of financial responsibility. Requires a law enforcement officer who investigates a motor vehicle accident that results in personal injury, death, or property damage of at least \$1,000 to submit certain information concerning proof of financial responsibility to the state police department. Requires the bureau of motor vehicles to adopt rules concerning proof of financial responsibility.

Effective: Upon passage; July 1, 2008.

Ulmer

January 8, 2008, read first time and referred to Committee on Insurance.

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Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

HOUSE BILL No. 1036

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-13-2-110 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 110. "Moving traffic
3 offense" ~~for purposes of IC 9-25-9-1 and IC 9-30-3-14; has the meaning~~
4 ~~set forth in IC 9-30-3-14(a);~~ **means a violation of a statute, an**
5 **ordinance, or a rule relating to the operation or use of motor**
6 **vehicles while the motor vehicle is in motion.**

7 SECTION 2. IC 9-19-1-5.5 IS ADDED TO THE INDIANA CODE
8 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
9 1, 2008]: **Sec. 5.5. A person who is stopped by a law enforcement**
10 **officer for a moving traffic offense in violation of this article must**
11 **show proof of financial responsibility to the law enforcement**
12 **officer in the manner required under rules adopted under**
13 **IC 9-25-4-7(b).**

14 SECTION 3. IC 9-21-0.5 IS ADDED TO THE INDIANA CODE
15 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2008]:

17 **Chapter 0.5. Requirement to Show Proof of Financial**



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Responsibility

Sec. 1. A person who is stopped by a law enforcement officer for a moving traffic offense in violation of:

- (1) IC 9-21-5;**
- (2) IC 9-21-6;**
- (3) IC 9-21-7;**
- (4) IC 9-21-8;**
- (5) IC 9-21-9;**
- (6) IC 9-21-10;**
- (7) IC 9-21-12;**
- (8) IC 9-21-13; or**
- (9) IC 9-21-14;**

must show proof of financial responsibility to the law enforcement officer in the manner required under rules adopted under IC 9-25-4-7(b).

Sec. 2. A person who violates this chapter commits a Class C infraction.

SECTION 4. IC 9-25-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 7. **(a)** Proof of financial responsibility when required under this article may be given by any of the following methods:

- (1) Proof that a policy or policies of motor vehicle liability insurance have been obtained and are in full force and effect.**
- (2) Proof that a bond has been duly executed.**
- (3) Proof that deposit has been made of money or securities.**

(b) The bureau shall adopt rules under IC 4-22-2 to determine the manner in which proof of financial responsibility must be shown by an operator of a motor vehicle to a law enforcement officer when required under this title.

SECTION 5. IC 9-26-2-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1.5. **(a)** A law enforcement officer performing an investigation under section 1 of this chapter shall request proof of financial responsibility with respect to each vehicle involved in the accident. The operator of each motor vehicle involved in the accident must show proof of financial responsibility to the law enforcement officer if the operator is physically capable of furnishing the proof.

(b) A motor vehicle operator who fails to show proof of financial responsibility in the manner required under rules adopted under IC 9-25-4-7(b) to a law enforcement officer upon request under subsection (a) commits a Class C infraction.

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SECTION 6. IC 9-26-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. A law enforcement officer shall forward a written report of each accident investigated under section 1 of this chapter to the state police department within twenty-four (24) hours after completing the investigation. The report must contain, if possible, the following information:

- (1) The name and address of the owner and operator of each vehicle involved in the accident.
- (2) The license number and description of each vehicle involved in the accident.
- (3) The time and place the accident occurred.
- (4) The name and address of each person injured or killed in the accident.
- (5) The name and address of each witness to the accident.
- (6) Proof of financial responsibility pertaining to the operator and, if different, the owner of each vehicle involved in the accident, as shown to the law enforcement officer by the operator of each vehicle.**

SECTION 7. IC 9-30-3-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 12. (a) If during any twelve (12) month period a person has committed moving traffic violations for which the person has:

- (1) been convicted of at least two (2) traffic misdemeanors;
- (2) had at least two (2) traffic judgments entered against the person; or
- (3) been convicted of at least one (1) traffic misdemeanor and has had at least one (1) traffic judgment entered against the person;

the bureau may require the person to attend and satisfactorily complete a defensive driving school program. The person shall pay all applicable fees required by the bureau.

(b) This subsection applies to an individual who holds a probationary license under IC 9-24-11-3 or is less than eighteen (18) years of age. An individual is required to attend and satisfactorily complete a defensive driving school program if either of the following occurs at least twice or if both of the following have occurred:

- (1) The individual has been convicted of a moving traffic offense, ~~(as defined in section 14(a) of this chapter)~~, other than an offense that solely involves motor vehicle equipment.
- (2) The individual has been the operator of a motor vehicle involved in an accident for which a report is required to be filed under IC 9-26-2.

The individual shall pay all applicable fees required by the bureau.

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(c) The bureau may suspend the driving license of any person who:

(1) fails to attend a defensive driving school program; or

(2) fails to satisfactorily complete a defensive driving school program;

as required by this section.

(d) Notwithstanding IC 33-37-4-2, any court may suspend one-half (1/2) of each applicable court cost for which a person is liable due to a traffic violation if the person enrolls in and completes a defensive driving school or a similar school conducted by an agency of the state or local government.

SECTION 8. IC 9-30-3-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 14. ~~(a) As used in this section, "moving traffic offense" means a violation of a statute, an ordinance, or a rule relating to the operation or use of motor vehicles while the motor vehicle is in motion.~~

~~(b)~~ If a court convicts a person for a moving traffic offense and the person is known or believed by the court not to be the owner of the motor vehicle, the court shall, within seven (7) days after entering the conviction, deposit with the United States Postal Service, first class postage prepaid, notice addressed to the owner of the motor vehicle giving the owner the following information:

(1) The name and address of the person convicted.

(2) The name and address of the owner of the motor vehicle.

(3) The offense upon which the conviction was made.

(4) The date of arrest of the person convicted and the location of the place of the offense.

(5) The license plate number of the motor vehicle.

(6) The operator's or chauffeur's license number of the person convicted.

(7) The date of the conviction and the name of the court making the conviction.

SECTION 9. [EFFECTIVE UPON PASSAGE] **(a) Notwithstanding IC 9-25-4-7, as amended by this act, the bureau of motor vehicles shall determine the manner in which proof of financial responsibility must be shown by an operator of a motor vehicle to a law enforcement officer under IC 9 under interim written guidelines approved by the commissioner of the bureau of motor vehicles.**

(b) The interim written guidelines approved and used under this SECTION expire on the earlier of the following:

(1) The date rules are adopted under IC 9-25-4-7, as amended by this act.

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1 **(2) December 31, 2009.**
2 SECTION 10. An emergency is declared for this act.

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